

OFFICIAL**FAX TRANSMISSION****DATE:** September 29, 2003**PTO IDENTIFIER:** Application Number 08/653,294
Patent Number**Inventor:** Carol A. CLAYBERGER, et al.**MESSAGE TO:** Christina Chan - U.S. Patent and Trademark Office**FAX NUMBER:** (703) 746-5030**FROM:** MORRISON & FOERSTER LLP

Laurie L. Hill, Ph.D.

PHONE: (858) 720-7955**Attorney Dkt. #:** 286002020023**PAGES (Including Cover Sheet):** 53**CONTENTS:** Transmittal (1 page);
Communication (2 pages);
Copy of Notice of Appeal and associated papers mailed June 30, 2003 (8 pages); and
Copy of Appcal Brief and Associated papers mailed September 2, 2003 (41 pages).

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PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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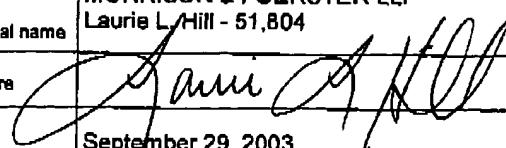
(to be used for all correspondence after initial filing)

| | | | |
|--|--|--|---------------------|
| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | | Application Number | 08/653,294 |
| | | Filing Date | May 24, 1998 |
| | | First Named Inventor | Carol A. CLAYBERGER |
| | | Art Unit | 1644 |
| | | Examiner Name | M. Dibrino |
| | | Total Number of Pages in This Submission | 52 |

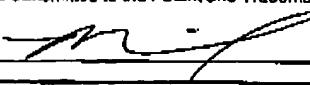
ENCLOSURES (Check all that apply)

| | | |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input checked="" type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Terminal Disclaimer | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Request for Refund | Communication (2 pages) Copy of Notice of Appeal and associated papers filed mailed June 30, 2003 (8 pages) Copy of Appeal Brief and Associated papers mailed September 2, 2003 (41 pages) |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | | |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |
| Remarks | | |

Customer No. 25225**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

| | |
|-------------------------|---|
| Firm or Individual name | MORRISON & FOERSTER LLP Laurie L. Hill - 51,804 |
| Signature |  |
| Date | September 29, 2003 |

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Dated: 9/29/03Signature: 

(Michael Boyd)

sd-166154

COPY

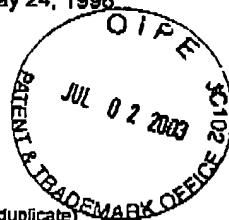
Atty Docket No. 286002020023

Inventor: Carol A. CLAYBERGER, et al

Atty Docket No.: 286002020023

Application No.: 08/653,294
Title: IMMUNOMODULATING DIMERS

Filing Date: May 24, 1996

Documents Filed:
Transmittal (1 page)

Fee Transmittal (1 page, 1 duplicate)

One Month Request for Extension of Time Under 37 CFR 1.136(a) (1 page, 1 duplicate)

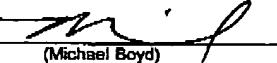
Notice of Appeal (1 page, 1 duplicate)

Via: First Class Mail

Sender's Initials: LLH12/mms3

Date: June 30, 2003

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Dated: 9/29/03 Signature: 
(Michael Boyd)

Docket No.: 286002020023
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Carol A. CLAYBERGER, et al.

Application No.: 08/653,294

Art Unit: 1644

Filed: May 24, 1996

Examiner: M. Dibrino

For: IMMUNOMODULATING DIMERS

COMMUNICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

Attached per the request of the Office are copies of the Notice of Appeal and associated papers mailed June 30, 2003, including a signed Certificate of Mailing and a copy of the stamped return postcard from the USPTO. Also enclosed are copies of the Appeal Brief and associated papers mailed September 2, 2003, including a signed Certificate of Mailing and a copy of the U.S. Postal Service Express Mail Shipment Delivery Confirmation.

SD-166151

Application No.: 08/653,294

2

Docket No.: 286002020023

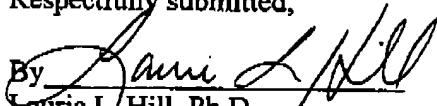
REMARKS

Copies of papers previously mailed to the PTO are resubmitted herewith as a courtesy.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 286002020023. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: September 29, 2003

Respectfully submitted,

By 
Laurie L. Hill, Ph.D.

Registration No.: 51,804
MORRISON & FOERSTER LLP
3811 Valley Centre Drive, Suite 500
San Diego, California 92130
(858) 720-7955

sd-166151

Please type a plus sign inside this box Approved to through 10/31/2002, OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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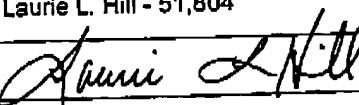
| | | | |
|--|---|------------------------|----------------------------|
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| | | Group Art Unit | 1644 |
| | | Examiner Name | M. Dibrino |
| Total Number of Pages in This Submission | 7 | Attorney Docket Number | 286002020023 |

ENCLOSURES (check all that apply)

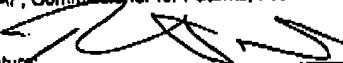
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| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |
| Remarks | | |

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| | |
|-------------------------------|---|
| Firm or Individual Name | MORRISON & FOERSTER LLP Laurie L. Hill - 51,804 |
| Signature |  |
| Date | June 30, 2003 |

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 6/30/03 Signature:  (Ruth Saskowski)

sd-153761

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FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 840.00)

| Complete if Known | |
|----------------------|----------------------------|
| Application Number | 08/653,294 |
| Filing Date | May 24, 1996 |
| First Named Inventor | Carol A. CLAYBERGER, et al |
| Examiner Name | M. Dibino |
| Group Art Unit | 1644 |
| Attorney Docket No. | 286002020023 |

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None
 Deposit Account

Deposit Account Number **03-1952**

Deposit Account Name **Morrison & Foerster LLP**

The Commissioner is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee

to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|-------------------|----------|----------|----------|------------------------|----------|
| 1001 | 750 | 2001 | 375 | Utility filing fee | |
| 1002 | 330 | 2002 | 165 | Design filing fee | |
| 1003 | 520 | 2003 | 280 | Plant filing fee | |
| 1004 | 750 | 2004 | 375 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |
| SUBTOTAL (1) (\$) | | 0.00 | | | |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| Independent Claims | — | x | — |
| Multiple Dependent | — | x | — |

| Large Entity | Small Entity | Fee Description |
|-------------------|--------------|--|
| Fee Code | Fee (\$) | Fee Description |
| 1202 | 18 | 2202 8 Claims in excess of 20 |
| 1201 | 84 | 2201 42 Independent claims in excess of 3 |
| 1203 | 280 | 2203 140 Multiple dependent claim, if not paid |
| 1204 | 84 | 2204 42 — Reissue independent claims over original patent |
| 1205 | 18 | 2205 9 — Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (2) (\$) | | 0.00 |

* or number previously paid, if greater. For Reissues, see above

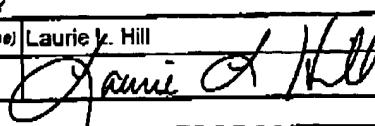
FEE CALCULATION (continued)

3. ADDITIONAL FEES

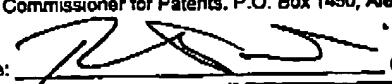
| Large Entity | Small Entity | Fee Description | Fee Paid |
|----------------------------------|--------------|--|----------|
| Fee Code | Fee (\$) | Fee Description | Fee Paid |
| 1051 | 130 | 2051 65 Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 25 Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 130 Non-English specification | |
| 1812 | 2,520 | 1812 2,520 For filing a request for ex parte reexamination | |
| 1804 | 920* | 1804 920* Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 1,840* Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 55 Extension for reply within first month | |
| 1252 | 410 | 2252 205 Extension for reply within second month | |
| 1253 | 930 | 2253 465 Extension for reply within third month | 520.00 |
| 1254 | 1,450 | 2254 725 Extension for reply within fourth month | |
| 1255 | 1,970 | 2255 985 Extension for reply within fifth month | |
| 1401 | 320 | 2401 180 Notice of Appeal | 320.00 |
| 1402 | 320 | 2402 160 Filing a brief in support of an appeal | |
| 1403 | 280 | 2403 140 Request for oral hearing | |
| 1451 | 1,510 | 1451 1,510 Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 55 Petition to revive - unavoidable | |
| 1453 | 1,300 | 2453 650 Petition to revive - unintentional | |
| 1501 | 1,300 | 2501 650 Utility issue fee (or reissue) | |
| 1502 | 470 | 2502 235 Design issue fee | |
| 1503 | 630 | 2503 315 Plant issue fee | |
| 1450 | 130 | 1460 130 Petitions to the Commissioner | |
| 1907 | 50 | 1807 50 Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 1806 180 Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 40 Recording each patent assignment per property (times number of properties) | |
| 1809 | 750 | 2809 375 Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 | 750 | 2810 375 For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 | 750 | 2801 375 Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 800 Request for expedited examination or a design application | |
| Other fee (specify) | | | |
| Reduced by Basic Filing Fee Paid | | SUBTOTAL (3) (\$) | |
| | | 840.00 | |

COPY

Complete (if applicable)

| | | | | | |
|-------------------|---|-----------------------------------|--------|-----------|----------------|
| Name (Print/Type) | Laurie L. Hill | Registration No. (Attorney/Agent) | 51,804 | Telephone | (858) 720-5100 |
| Signature |  | | | Date | June 30, 2003 |

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Dated: **6/30/03**Signature: 

(Ruth Saskowski)

SD-153762